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COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mines

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Frank A. Linkous, Chief

MEMORANDUM DM 10-05

TO: All Mine Operators

FROM: Frank A. Linkous
Frank A. Linkous, Chief

DATE: June 7, 2010

SUBJECT: Virginia Acts of Assembly 2010 Session
45.1-161.87. Duties of Operator (Substance Abuse)

Enclosed you will find a copy of Senate Bill 561 which addresses the changes to duties of mine operators related to substance abuse screening policy and program mandates which become effective on July 1, 2010. Section 45.1-161.87.D.1. has been amended to require that the pre-employment screening be a 10-panel urine test as opposed to the current 11-panel test. This screening panel is recognized by the screening service providers as the "DMME panel". This law change has been communicated to our service providers. This section is further amended to authorize the Board of Coal Mining Examiners to add any other substances needed for a screening.

Section 45.1-161.87.D.2. has been newly adopted and requires the operator or his agent to review the substance abuse screening program with all miners at the time of employment and annually thereafter. New miner and annual retraining records should be used to provide a record that these reviews have been conducted.

Section 45.1-161.97.3. E. and F. establish reporting requirements for any failure of required screening tests. The law was amended this session requiring a "record of the test showing such failure or violation" to be included with the report.

The Board of Coal Mining Examiners has suspended approximately four hundred Virginia certified miners since the implementation of substance abuse standards on July 1, 2007. Many of these suspended miners have successfully completed treatment and probationary programs and returned to work. The efforts of Virginia's coal miners and operators, working with DMME and the Board of Coal Mining Examiners in support of substance abuse control standards, are making Virginia's mining industry safer and more productive. Should you have questions concerning these changes, please contact Mary S. Gibson, Board Administrator, at 276-523-8234.

Attachment